

Be Mains Ready

Q. You are a sincere police officer who has expertise in cyber intelligence. In your outstanding career, you have busted many criminal networks, tracked online activities of terrorists and exposed illegal financial networks. You employed snooping, espionage, hacking and attacking targeted person's systems with malware, as a cyber expert. With a series of successes in this field, you have become famous within the government circles. At the retirement party of the head of your department, a minister's personal assistant approaches and invites you for a private meeting with the minister. In the meeting with the minister, he informs you about the recent defence deal for buying advanced aircraft which is being challenged by the opposition because of a lack of transparency. The minister asks you to access the personal chats and emails of a few leading opposition leaders to unravel their past corrupt acts. This will push them in defensive mode and the aircraft deal will not be hindered. You personally feel that this deal is very important for securing India's airspace.

(a) In such circumstances, will you agree to the minister's proposal?

(b) Do you think that spying on citizens in the name of national security is justified in a democratic system? (250 Words)

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Approach / Explanation / Answer

- Mention stakeholders involved
- Give a brief introduction of the central issue
- Identify the various choices you have in response to the minister's proposal
- Conclude with the government's responsibility in maintaining a balance between national security and violation of individual rights

Answer

Stakeholders:

1. Police officer - An expert in cyber intelligence
2. Minister - Who wants to snoop on the opposition leaders
3. Opposition leaders
4. General public - As any action by the government involves concern for the public

In this case, an ethical dilemma is involved in choosing between an order given by authority and public service ethics. The Minister's request to snoop illegally on the chats and emails of opposition leaders to push them into defensive mode are creating an ethical dilemma for me whether I should follow his request or not.

In the above, situation, I may take the following **course of action**:

- I can bring this issue before my immediate senior and request him to suggest a way out.
- I can respectfully decline the minister's request to snoop illegally as it will provide him an undue political advantage over opposition leaders. Also, I can not go against the law because as a police officer it is my duty to uphold the law. So, as a cyber expert and responsible officer, it is imperative to find the truth. Blindly following the minister's order will imply a departure from the integrity, objectivity, and impartiality of the government servant, who has been appointed to serve the public with dedication.

By following the above mentioned steps, this issue can be handled to a great extent in a just and ethical manner.

In this case, questions can be asked about spying on citizens in the name of national security in a democratic system. Supreme Court in its 2017 judgment in K.S. Puttaswamy v. Union of India declared that "privacy is a fundamental right" guaranteed by the Constitution. In the wake of this decision, it seems unjust and unethical if the government espionages its own citizens in the name of national security. However, surveillance seems essential to ensure national security and preempt terrorist threats, and it is in the very nature of surveillance that it must take place outside the public eye. Since it is clear that the right to privacy is not an absolute right, the government is justified while violating it. But it needs to strike a pragmatic balance between the competing values of privacy and security.

Unchecked and unaccounted data collection and examination, especially by government entities could lay the foundations of the surveillance state, hence reforms in the Indian surveillance regime should incorporate ethics of surveillance which considers the moral aspects of how surveillance is employed. Further technology must be used as a tool to facilitate national and individual rights. The use of technology must ensure accountability in its application so it is imperative for the public servant to be just and honest while having such expertise.

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